

Application No.: 09/623,533

7 AUG 16 2006

Docket No.: 500862001520

REMARKS

Claims 1, 4, 6, 19, 21, 31, 36, 38, 39 and 59-88 are pending in the application. Claims 1, 4, 6, 19, 21, 31, 36, 38, 39 and 61-88 are allowed. Claims 59 and 60 have been amended. Claims 2-3, 5, 7-18, 20, 22-30, 32-35, 37 and 40-58 have previously been canceled without prejudice. No new matter was added by this amendment. Entry of the amendment is respectfully requested.

The Amendment

In order to expedite prosecution of the application and advance the case toward allowance, the claims have been amended.

Claims 59 and 60 have been amended to clarify that the anti-viral peptide-albumin conjugate refers to albumin that is *serum albumin* or *human serum albumin*, respectively. Support for this amendment can be found, for example, in paragraphs 0121 and 0131 of the specification.

Withdrawal of Rejections

The Applicant gratefully acknowledges the Examiner's withdrawal of some of the previous rejections and the allowance of claims 1, 4, 6, 19, 21, 31, 36, 38, 39 and 61-88 as indicated in the Office Action.

Rejections under 35 U.S.C. §101

Claims 59 and 60 are rejected under 35 U.S.C. §101, first paragraph, as allegedly being drawn to non-statutory subject matter. The Office Action indicates that the peptide-albumin conjugates are present in human blood and are therefore inseparable from the human itself.

The claims have been amended to refer to anti-viral peptide-albumin conjugates wherein the albumin is serum albumin or human serum albumin. As such, the conjugates are separable from a human subject and the rejection should be moot.

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In view of the above, each of the presently pending claims in this application is believed to be in condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 500862001520. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: August 16, 2006

Respectfully submitted,

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